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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES DEAN,

Plaintiff,

v.

DR. DONNELLY, *et al.*,

Defendants.

Case No. 3:15-cv-00421-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 28) (“R&R” or “Recommendation”) relating to Defendant Maria Ward’s (“Ward”) Motion for Summary Judgment (ECF No. 20). Plaintiff had until March 13, 2017, to object to the R&R. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See


1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cobb's Recommendation. The Magistrate
12 Judge recommends granting summary judgment in favor of Ward. Upon reviewing the
13 Recommendation and the underlying briefs, this Court finds good cause to adopt the
14 Magistrate Judge's R&R in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge William G. Cobb (ECF No. 28) is accepted and
17 adopted in its entirety.

18 It is ordered that Defendant Maria Ward's Motion for Summary Judgment (ECF
19 No. 20) is granted. The Clerk is directed to enter judgment in accordance with this Order
20 and close this case.

21 DATED THIS 1st day of May 2017.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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